

NOV 18 2005

JANAH & ASSOCIATES, PC  
650 Delancey Street, Suite 106  
San Francisco, California 94107 U.S.A.

VIA FACSIMILE

ATTENTION: Examiner Webman  
FIRM/CO. NAME: U.S. Patent and Trademark Office  
FAX NO: 571-273-8300  
ART/UNIT NO: 1616  
FROM: Ashok K. Janah  
DATE: November 18, 2005  
APPLICATION NO: 10/616,448  
OUR REFERENCE NO: NK.103.11.US

TOTAL NUMBER OF PAGES 14 (INCLUDING COVER PAGE)

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL Christy

BUSINESS PHONE: (415) 538-1555 FACSIMILE NO.: (415) 538-8380

MESSAGE:

Examiner Webman,

Attached please find a response to the outstanding office action dated August 19<sup>th</sup>, 2005.

Kind regards,

Ashok Janah

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain privileged and confidential information. Do not disclose or discuss this information with anyone other than those identified above. Unauthorized disclosure is strictly prohibited. If you receive this facsimile in error, please notify us by telephone immediately.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re Application of: Weers et al.<br>Application No: 10/616,448<br>Confirmation No: 1036<br>Filed: February 5, 2004<br><br>Title: Phospholipid Based Powders for Inhalation | Group No: 1616<br><br>Examiner: WEBMAN, Edward J.<br><br>Attorney Docket No: NK.103.11<br><br>Friday, November 18, 2005<br>San Francisco, CA 94107 |
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|  |   |                      |                     |
|--|---|----------------------|---------------------|
| Commissioner for Patents<br>VIA FACSIMILE: (571) 273-8300  | <b>Extension of Time</b><br><input type="checkbox"/> Applicant petitions for an extension of time under 37 C.F.R. 1.136 |                      |                     |
| <b>Papers Enclosed</b><br><br><input checked="" type="checkbox"/> Amendment<br><input type="checkbox"/> Declaration<br><input type="checkbox"/> Drawings<br><input type="checkbox"/> Supplemental Information Disclosure Statement<br><input type="checkbox"/> PTO-1449 Form<br><input type="checkbox"/> Citations<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Postcard for Return | <b>Extension (Months)</b>   | <b>Extension Fee</b> |                     |
|  |   | <b>Large Entity</b>  | <b>Small Entity</b> |
|  | <input type="checkbox"/> One Month  | \$120.00             | \$60.00             |
|  | <input type="checkbox"/> Two Months   | \$450.00             | \$225.00            |
|  | <input type="checkbox"/> Three Months   | \$1,020.00           | \$510.00            |
|  | <b>Total \$ 0.00</b>  |                      |                     |
| <input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made in case applicant has inadvertently overlooked the need for a petition for extension of time.  |   |                      |                     |

| Fees for Extra Claims                         |                                  |                                    |              |              |              |                |
|---|----------------------------------|------------------------------------|--------------|--------------|--------------|----------------|
|   | Claims remaining after amendment | Highest number previously paid for | Number Extra | Rate         |              | Additional Fee |
|   |                                  |                                    |              | Large Entity | Small Entity |                |
| Total Claims                                  | 9                                | 20                                 | 0            | \$50.00      | \$25.00      | \$0.00         |
| Independent Claims                            | 1                                | 3                                  | 0            | \$200.00     | \$100.00     | \$0.00         |
| Multiple Dependent Claims                     |                                  |                                    | 0            | \$360.00     | \$180.00     | \$0.00         |
| Supplemental Information Disclosure Statement |                                  |                                    |              |              |              |                |
| <b>Total</b>                                  |                                  |                                    |              |              |              | <b>\$0.00</b>  |

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|---|--|--|--|
| <b>Fee Payment</b><br>Extension Fees \$0.00<br>Fees for Extra Claims \$0.00<br><b>Total \$0.00</b>  |  | <b>Fee Deficiency</b><br><input checked="" type="checkbox"/> If any additional extension and/or fee is required, please charge Deposit Account No. <u>10-0258</u> . and/or<br><input checked="" type="checkbox"/> If any additional fee for claims is required, please charge Deposit Account No. <u>10-0258</u> . |  |
| <input type="checkbox"/> Attached is check no. _____ in the sum of \$0.00.<br><input type="checkbox"/> Please charge Deposit Account No. <u>10-0258</u> in the sum of \$0.00.   |  | Please direct telephone calls to: Ashok K. Janah at (415) 538-1555<br>Please continue to send correspondence to:<br>Applied Materials, Inc.<br>Patent Department, M/S 2061<br>P.O. Box 450A<br>Santa Clara, CA 95052   |  |
| <b>CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8a):</b><br>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date shown below. |  | Respectfully Submitted,<br>By: <u>Ashok K. Janah</u> Date: <u>11/18/2005</u><br>Ashok K. Janah<br>Registration No. 37,487  |  |

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: Weers et al.               | Group Art Unit: 1616                           |
| Application No: 10/616,448                       | Examiner: Webman, Edward J.                    |
| Confirmation No: 1036                            | Attorney Docket No: 0103.11                    |
| Filed: February 5, 2004                          |  |
| Title: Phospholipid Based Powders for Inhalation | November 18, 2005<br>San Francisco, California |

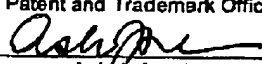
AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VIA FACSIMILE  
(571) 273-8300

Examiner Webman:

This communication is in response to the Final Office Communication mailed on August 19, 2005, and is being filed within three months thereof.

|   |                         |
|---|-------------------------|
| Certificate of Transmission   |                         |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date shown below. |                         |
| By: <u></u><br>Ashok Janah   | Date: <u>11/18/2005</u> |